

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

VS.

MAURICIO CHAVEZ, GIORGIO
BENVENUTO and CryptoFX, LLC,

Defendants.

CBT Group, LLC,

Relief Defendant.

CIVIL ACTION NO. 4:22-CV-03359

JUDGE ANDREW S. HANEN

**RECEIVER'S AMENDED MOTION TO EMPLOY HAYS FINANCIAL
CONSULTING, LLC AS FINANCIAL CONSULTANTS & ACCOUNTANTS**

John Lewis, Jr., as the Court-appointed Receiver in the above-referenced action, respectfully moves the Court for an order approving the retention of Hays Financial Consulting, LLC to serve as the Receiver's financial consultants and accountants in this matter. In support of this Amended Motion, the Receiver states the following:

1. On September 19, 2022, the Securities and Exchange Commission (“SEC”) filed a Complaint against Defendants Giorgio Benvenuto, Mauricio Chavez, CryptoFX, LLC, and CBT Group, LLC (together “Receivership Defendants”). (“Complaint,” Doc. No. 3). The Complaint alleges that Defendants perpetrated a multi-million dollar securities fraud directed at Latino investors. *Id.*

2. On September 29, 2022, upon motion of the SEC, the Court entered an Order Appointing John Lewis, Jr. as Receiver in this matter (“Receivership Order”). (Doc. No. 11). The

Receivership Order authorizes the Receiver without further order of this Court to, among other things, engage and employ professionals. *See* Receivership Order at ¶ 7(f). However, in the interest of transparency, and out of abundance of caution, the Receiver seeks this Court’s approval, with notice to all parties of record, including the SEC, for leave to employ Hays Financial Consulting, LLC as a Retained Personnel, as defined in the Receivership Order. *See* Receivership Order at ¶ 56.

3. The Receiver seeks permission to employ Hays Financial Consulting, LLC (“HFC”) to assist him in effectively carrying out his duties under the Receivership Order.

4. HFC is a corporate financial consulting, fiduciary, and forensic accounting firm that specializes in bankruptcy and receivership management. HFC Managing Member, S. Gregory Hays (“Hays”), has been active in major nationwide bankruptcy, receivership, and litigation cases for over thirty years. HFC includes a team of professionals in finance, accounting, tax, operations, data analysis, and asset recovery to provide a wide array of professional services in insolvency cases.

5. HFC has investigated billions of dollars in fraudulent transactions in thousands of bankruptcy cases and receiver cases. Since founded in 2001, HFC has recovered and distributed over hundreds of millions to creditors and investors. Hays and HFC have managed over 50 state and federal court receivership appointments, and Hays has been appointed as a bankruptcy trustee, special master, forensic accountant, and expert witness around the country. Importantly, HFC has been retained by and has worked directly with the Receiver appointed this case on several matters.

6. The Receiver proposes, with approval of this Court, to compensate HFC on an hourly basis. The firm will charge hourly rates of \$362 for Hays and \$170 to \$276 for other

professionals at HFC, which represents a 15% discount from HFC's standard hourly rates of \$200 to \$425.

7. The Receiver and other Retained Personnel will seek compensation and expense reimbursement upon approval of the Court and as further described in the Receivership Order. However, under the Receivership Order, the "Receiver's fees—including all fees and costs for the Receiver and others retained to assist in the administration and liquidation of the Receivership estate—are capped at \$120,000 during the initial 60-day period." Receivership Order at ¶ 52.

8. HFC does not represent any other party to this case and, based on the information currently available, does not represent any other person or entity with an interest in this matter. A Declaration Pursuant to Order Appointing Receiver signed by S. Gregory Hays, Managing Principal of HFC, is attached as Exhibit "A."

ACCORDINGLY, the Receiver, John Lewis. Jr., requests that the Court enter an order permitting him to retain Hays Financial Consulting, LLC as set forth herein.

Dated: November 23, 2022

Respectfully submitted,

SHOOK, HARDY & BACON L.L.P.

By: /s/ Sonila Themeli

Sonila Themeli

Texas Bar No. 24073588

S.D. Tex. Bar No. 2828237

600 Travis Street, Suite 3400

Houston, TX 77002

Telephone: 713.227.8008

Facsimile: 713.227.9508

sthemeli@shb.com

Counsel for Court-Appointed Receiver

CERTIFICATE OF CONFERENCE

I hereby certify that that I have conferred with Plaintiff's counsel as well as Defendant Mauricio Chavez and counsel for Defendant Giorgio Benvenuto regarding this Motion. Counsel for Plaintiff and Mr. Benvenuto have stated that they are not opposed to this Motion. Mr. Chavez stated that until he retains a lawyer he does not know what his position on this Motion is.

/s/ Sonila Themeli

Sonila Themeli

CERTIFICATE OF SERVICE

I hereby certify that on this the 23rd day of November, 2022, the above and foregoing document was filed electronically through the CM/ECF system, which sent notification of such filing to counsel for Plaintiff. Defendants, Mauricio Chavez, and Giorgio Benvenuto were served via email and U.S. Postal Service, addressed as follows:

Matthew J. Gulde
UNITED STATES SECURITIES
AND EXCHANGE COMMISSION
Burnett Plaza, Suite 1900
801 Cherry Street, Unit 18
Fort Worth, TX 76102
Telephone: 817.978.1410
Facsimile: 817.978.4927
guldem@sec.gov

Attorney for Plaintiff

Mauricio Chavez, *Pro Se*
9423 Autauga Street
Houston, TX 77080
ceo10explan@gmail.com

Defendant Pro Se

Dan L. Cogdell
Jones, Walker L.L.P.
811 Main Street, Suite 2900
Houston, TX 77002
Telephone: 713.437.1869
Facsimile: 713.437.1810
dcogdell@joneswalker.com

***Attorney for Defendant,
Giorgio Benvenuto***

/s/ Sonila Themeli

Sonila Themeli

EXHIBIT "A"

DECLARATION PURSUANT TO ORDER APPOINTING RECEIVER (Doc. No. 11)

The Undersigned hereby declares under penalty of perjury:

1. I am the managing principal of Hays Financial Consulting, LLC, with an office located at 2964 Peachtree Road NW, Ste. 555| Atlanta, GA 30305 ("HFC").
2. HFC requests Court approval to be retained as financial consultants and accountants to John Lewis, Jr., in his capacity as Court-Appointed Receiver in this case. To the best of my knowledge, after formal conflict check, HFC has no professional, business or other connection to any party in this matter. Further, HFC represents no interest adverse to this Receivership estate in connection to the matters upon which HFC is to be engaged.
3. Pursuant to the Receivership Order, HFC will not expect or receive any compensation from the Receivership Estate except upon application to and approval by the Court.

This 6 day of October 2022



S. Gregory Hays